

October 31, 2012

VIA COURIER

Water Enforcement and Compliance Assurance Branch (WC-15J)
U.S. Environmental Protection Agency Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
Attention: Jeremy Deyoe, Environmental Engineer

RE: Wet Weather/Storm Water Associated with Industrial Activity
Information Request Pursuant to Section 308 of the Clean Water Act 33 U.S.C §1318
Docket No. V-W-12-308-38
KCBX Terminals Co., 3259 East 100th Street, Chicago, IL 60617

Dear Mr. Deyoe:

KCBX Terminals Company has enclosed a response to the information request noted above, received on October 3, 2012. If you have any questions, please contact me at 773.978.8518 or the address listed above.

Sincerely,
KCBX Terminals Co.



Brandon Walker
EHS Manager

encl.

RECEIVED

NOV 01 2012

WATER ENFORCEMENT & COMPLIANCE
ASSURANCE BRANCH, EPA, REGION 5

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	Docket No. V-W-12-308-38
)	
)	
KCBX Terminals Company)	Proceeding under Section 308(a) of
3259 East 100th Street)	the Clean Water Act, as amended,
Chicago, Illinois 60617)	33 U.S.C. § 1318(a)
)	

**KCBX TERMINAL COMPANY'S RESPONSE TO
U.S.EPA REGION 5's INFORMATION REQUEST
UNDER SECTION 308(a) OF THE CLEAN WATER ACT**

I.

PRELIMINARY STATEMENT

1. KCBX Terminals Company ("KCBX") herein responds to the September 24, 2012 request of the U.S. Environmental Protection Agency Region 5 ("EPA") under section 308 of the Clean Water Act in the above-stated docket (the "Information Request").
2. KCBX operates a bulk solid materials shipping facility located at 3259 East 100th Street, Chicago, IL 60617 (the "Facility"). The Facility operates under National Pollution Discharge Elimination System Permit No. IL0071625 (the "Permit"). The Facility has one (1) permitted discharge outfall located in Cook County, Illinois, Latitude (North) 41 42 33; Longitude (West) 87 32 55. The Permit also recognizes that sheet flow runoff, not reporting to Outfall 001, may discharge from the Facility. The receiving water for these permitted discharges is the Calumet River, classified as General Use. A copy of the Facility's Permit is attached to this response. KCBX does not own or operate another facility in the State of Illinois. No part of the Facility is within 0.25 miles of the Chicago Sanitary and Ship Canal or the Cal-Sag Channel.
3. KCBX received EPA's Information Request on October, 3, 2012. KCBX's response is timely.

4. Pursuant to EPA's instructions stated in the cover letter to the Information Request and Paragraphs 2 and 3, Part II of the Information Request, KCBX's responses are set forth below. All responses provided herein are made as of October 31, 2012.

II.

KCBX's RESPONSE

5. EPA Information Request No. 1. Not applicable. See Paragraph 2 above.
6. EPA Information Request No. 2. KCBX does not have any information responsive to Request No. 2.
7. EPA Information Request No. 3. Not applicable. See Paragraph 2 above.
8. EPA Information Request No. 4. Not applicable. See Paragraph 2 above.
9. EPA Information Request No. 5. Not applicable. See Paragraph 2 above.
10. EPA Information Request No. 6.
- (a). Not applicable. See Paragraph 2 above.
 - (b). Not applicable. See Paragraph 2 above.
11. EPA Information Request No. 7.
- (a). Not applicable. See Paragraph 2 above.
 - (b). Not applicable. See Paragraph 2 above.
 - (c). Not applicable. See Paragraph 2 above.
12. EPA Information Request No. 8.
- (a). Not applicable. See Paragraph 2 above.
 - (b). Not applicable. See Paragraph 2 above.
 - (c). Not applicable. See Paragraph 2 above.

13. EPA Information Request No. 9. KCBX does not have any information responsive to Request No. 9.
14. EPA Information Request No. 10. KCBX does not have any information responsive to Request No. 10.
15. EPA Information Request No. 11. KCBX objects to the extent Request No. 11 is vague, unclear, or ambiguous. EPA's instructions stated in bold font after Request No. 1 instruct KCBX to answer question No. 11 as it pertains to any facility identified in in response to Request No. 1. But Request No. 11 is the only request that uses the defined term "you" which creates ambiguity about whether Request No. 11 is limited to facilities identified in response to Request No. 1, or whether the scope of Request No. 11 seeks information about any KCBX facility. KCBX interprets Request No. 11 to be governed by EPA's bold font Request instructions. Accordingly, KCBX states that Request No. 11 is not applicable for the reasons stated in Paragraph 2 above. If EPA believes the question should be interpreted differently, KCBX would be happy to discuss this with EPA and to supplement its response, if appropriate.
16. EPA Information Request No. 12. KCBX does not have any information responsive to Request No. 12.
17. EPA Information Request No. 13. Not applicable. See paragraph 2 above.
18. EPA Information Request No. 14. KCBX objects to the extent Request No. 14 is vague, unclear, or ambiguous. EPA's instructions stated in bold font after Request No. 1 instruct KCBX to answer questions No. 2 through 13 separately for each facility identified in question 1. As stated, Request No. 14 is not governed by the bold font instructions. However, Request No. 14 uses the term "facility" which is not a defined term, but is used consistently throughout other EPA Requests in an apparent reference to facilities in which EPA states it has an interest as identified in Request No. 1. Accordingly, KCBX interprets Request No. 14 to be seeking information for any facility identified in response to Request No. 1. As such, KCBX states that Request No. 14 is not applicable for the reasons stated in Paragraph 2 above. If EPA believes the question should be interpreted differently, KCBX would be happy to discuss this with EPA and to supplement its response, if appropriate.

III.

CERTIFICATION

I certify under penalty of law that this response and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those person(s) directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations.

Jim Simmons

Name



Jim Simmons

Signature

Terminal Manager

Title

10-31-2012

Date

NPDES Permit No. IL0071625

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue, East

P.O. Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Renewed NPDES Permit

Expiration Date: August 31, 2011

Issue Date: September 22, 2006

Effective Date: September 22, 2006

Name and Address of Permittee:

KCBX Terminals Company
3259 East 100th Street
Chicago, IL 60617

Facility Name and Address:

KCBX Terminals Company
3259 East 100th Street
Chicago, IL 60617
(Cook County)

Discharge Number and Name:

001 Alkaline Mine Drainage

Receiving waters

Calumet River

In compliance with the provisions of the Illinois Environmental Protection Act, Subtitle C and/or Subtitle D Rules and Regulations of the Illinois Pollution Control Board, and the Clean Water Act, the above-named permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the standard conditions and attachments herein.

Permittee is not authorized to discharge after the above expiration date. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit the proper application as required by the Illinois Environmental Protection Agency (IEPA) not later than 180 days prior to the expiration date.



Ronald E. Morse, Manager
Mine Pollution Control Program
Bureau of Water

REM:LDC:jkb/3864c/01-13-06

NPDES Coal Mine Permit
NPDES Permit No. IL0071625
Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS		CONCENTRATION		SAMPLE FREQUENCY	SAMPLE TYPE
	lbs/day		LIMITS mg/l			
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		

From the effective date of this Permit until the expiration date, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall: 001 (Alkaline Mine Drainage)

Flow (MGD)					Measure When Monitoring	
Total Suspended Solids			35.0	70.0	***	Grab
Iron (total)			3.0	6.0	***	Grab
pH*	The pH shall not be less than 6.0 nor greater than 9.0				1/month	Grab
Alkalinity/ Acidity	Total acidity shall not exceed total alkalinity				1/month	Grab
Sulfates				500	***	Grab
Chlorides				500	***	Grab

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during base flow conditions. A "no flow" situation is not considered to be a sample of the discharge. A grab sample of each discharge caused by the following precipitation event(s) shall be taken for the following parameters during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s). The remaining three (3) samples may be taken from either base flow or during precipitation event.

The following effluent limits apply if discharges result from precipitation or snowmelt pursuant to 35 Ill. Adm. Code 406.110.

Discharges from the above referenced outfalls that are subject to the requirements of 35 Ill. Adm. Code 406.110 must meet the water quality standards for sulfates and chlorides in the receiving stream.

In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.35 inches.

Pollutant or Pollutant Property

Settleable Solids
pH*

Effluent Limitations

0.5 m/l daily maximum
6.0 - 9.0 at all times

In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b).

Pollutant or Pollutant Property

pH*

Effluent Limitations

6.0 - 9.0 at all times

* No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

NPDES Permit No. IL0071625

Construction Authorization No. 3495-05

C.A. Date: January 13, 2006

8. A permittee has the obligation to add a settling aid, or utilize a mechanical filtration device as approved by the Agency under IEPA Log No. 7136-01, if necessary to meet the suspended solids or settleable solids effluent standards. The selection of a settling aid and the application practice shall be in accordance with a. or b. below.
- a. Alum ($\text{Al}_2(\text{SO}_4)_3$), hydrated lime ($\text{Ca}(\text{OH})_2$), soda ash (Na_2CO_3), alkaline pit pumpage, acetylene production by-product (tested for impurities), and ground limestone are acceptable settling aids and are hereby permitted for alkaline mine drainage sedimentation ponds.
 - b. Any other settling aids such as commercial flocculents and coagulants are permitted only on prior approval from the Agency. To obtain approval a permittee must demonstrate in writing to the Agency that such use will not cause a violation of the toxic substances standard of 35 Ill. Adm. Code 302.210 or of the appropriate effluent and water quality standards of 35 Ill. Adm. Code parts 302, 304, and 406.

Standard Conditions

Definitions

Act means the Illinois Environmental Protection Act, 415 ILCS 5 as Amended.

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

Clean Water Act (formerly referred to as the Federal Water Pollution Control Act) means Pub. L. 92-500, as amended. 33 U.S.C. 1251 et seq.

NPDES (National Pollutant Discharge Elimination System) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 of the Clean Water Act.

USEPA means the United States Environmental Protection Agency.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

Maximum Daily Discharge Limitation (daily maximum) means the highest allowable daily discharge.

Average Monthly Discharge Limitation (30 day average) means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Discharge Limitation (7 day average) means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Allotment means a sample of specified volume used to make up a total composite sample.

Grab Sample means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes.

24 Hour Composite Sample means a combination of at least 8 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24-hour period.

8 Hour Composite Sample means a combination of at least 3 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over an 8-hour period.

Flow Proportional Composite Sample means a combination of sample aliquots of at least 100 milliliters collected at periodic intervals such that either the time interval between each aliquot or the volume of each aliquot is proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot.

(1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

(2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.

(3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.

(6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.

(8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency, upon request, copies of records required to be kept by this permit.

(9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency, upon the presentation of credentials and other documents as may be required by law, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.

(10) **Monitoring and records.**

(a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. This period may be extended by request of the Agency at any time.

(c) Records of monitoring information shall include:

(1) The date, exact place, and time of sampling or measurements;

(2) The individual(s) who performed the sampling or measurements;

(3) The date(s) analyses were performed;

(4) The individual(s) who performed the analyses;

(5) The analytical techniques or methods used; and

(6) The results of such analyses.

(d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.

(11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.

(a) **Application.** All permit applications shall be signed as follows:

(1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

(b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph (a); and

(2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and

(3) The written authorization is submitted to the Agency.

- (c) **Changes of Authorization.** If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- (12) **Reporting requirements.**
- Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.
 - Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
 - Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
 - Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - Monitoring results must be reported on a Discharge Monitoring Report (DMR).
 - If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.
 - Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:
 - Any unanticipated bypass which exceeds any effluent limitation in the permit;
 - Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours.

The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
 - Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12)(c), (d), or (e), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12)(e).
 - Other Information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.
- (13) **Transfer of permits.** A permit may be automatically transferred to a new permittee if:
- The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
 - The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees; and
 - The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.
- (14) **All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:**
- That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - One hundred micrograms per liter (100 ug/l);
 - Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
 - Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
 - The level established by the Agency in this permit.
- (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.
- (15) **All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:**
- Any new introduction of pollutants into that POTW from an indirect discharge which would be subject to Sections 301 or 305 of the Clean Water Act if it were directly discharging those pollutants; and
 - Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (16) **If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:**
- User charges pursuant to Section 204(b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35.
 - Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
 - Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (17) **If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.**
- (18) **Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.**
- (19) **The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.**
- (20) **The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both.**
- (21) **The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.**
- (22) **The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit shall, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.**
- (23) **Collected screening, slimes, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.**
- (24) **In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.**
- (25) **The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board.**
- (26) **The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.**
- (Rev. 3-13-88)